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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:

No. 2:10-bk-41554 SSC

Robert B. Johnson,

Chapter 13

OBJECTION TO CHAPTER 13 PLAN

Debtor.

USAA Federal Savings Bank ("USAA"), a party in interest, hereby objects to the Chapter 13 Plan filed January 17, 2011, for the reasons set forth in this memorandum.

1. FACTUAL BACKGROUND

USAA is a secured creditor of debtors ("debtor" means Robert Johnson whether single or plural) on the following described real property commonly known as: 5432 E. Juniper, Scottsdale, Arizona 85254:

LOT 78, OF GREENWAY PARK 6 UNIT 2, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY.

("the collateral"). USAA the debt are evidenced by a HOME EQUITY LINE OF CREDIT AGREEMENT executed by debtors on October 22, 2007, and a DEED OF TRUST recorded on November 5, 2007, as Instrument No. 2007-1190954 records of

1 Maricopa County, copies of those documents are attached hereto as Exhibits “A” and
2 “B” and incorporated herein by reference.

3 Debtor’s Chapter 13 Plan proposes to treat the debt owed to USAA as
4 wholly unsecured and subject to discharge in the present case. The Chapter 13 Plan fails
5 to address the treatment upon conversion or dismissal. USAA objects to the treatment.

6 **2. CONCLUSION**

7 For the reasons USAA should not be required to release its lien until plan
8 completion and discharge and that in the event that the case is converted or dismissed
9 that USAA retains its lien, USAA requests that this Court deny confirmation of debtor's
10 Chapter 13 Plan.

11 DATED this 31st day of January, 2011.

12 Poli & Ball, P.L.C.

13
14 By___/s/ James E. Shively_____
15 James B. Ball
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17 Phoenix, Arizona 85018
18 Attorneys for USAA Federal Savings Bank
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20
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COPIES of the foregoing mailed
this 29th day of January, 2011, to:

Robert B. Johnson
5432 E. Juniper Ave
Scottsdale, AZ 85254
Debtor

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Tempe, AZ 85282
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Trustee

/s/ Karma Holmes

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